IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 33949 of 2004(S)
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OA.868/2001 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:
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1. THE ADMINISTRATOR, UNION TERRIORY
OF LAKSHADWEEP, KAVARATTI.

2. THE DIRECTOR OF EDUCATION
UNION TERRITORY OF LAKSHADWEEP, KAVARATTI.

3. UNION OF INDIA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NEW DELHI.

BY ADV. SRI.PR.RAMACHANDRA MENON,SC,LAKSHADWEEP

RESPONDENTS:

MOHAMMED KHAN P.V.
S/O. T.T.ATTAKOYA HAJI, AGED 39 YEARS,
PRIMARY SCHOOL TEACHER, GOVT.JUNIOR BASIC
SCHOOL, KADMAT, LAKSHADWEEP, RESIDING AT
PANTAMVELI, KILTAN.

BY ADV. SRI.M.R.HARIRAJ
SMT.REKHA VASUDEVAN
SRI.P.A.KUMARAN
SMT.VINEETHA B.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P. (C) No.33949/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT.P1: TRUE COPY OF THE O.A. 868/2001 (WITH ANNEXURES) FILED BEFORE THE CAT, ERNAKULAM.

EXHIBIT.P2: TRUE COPY OF REPLY STATEMENT WITH ANNEXURES FILED ON BEHALF OF THE LAKSHADWEEP ADMINISTRATION BEFORE THE CAT, ERNAKULAM.

EXHIBIT.P3: TRUE COPY OF THE JUDGMENT PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH IN O.A. 868/03.

K.A.ABDUL GAFOOR, J.
&
ANTONY DOMINIC, J.

W.P. (C) NO.33949 OF 2004

Dated this the 8th day of February, 2007

J U D G M E N T

ABDUL GAFOOR,J.

Admittedly, the respondent had undergone B.Ed Course. Further admittedly, though he had obtained admission on his own merit, the administration was prepared to sponsor him for that course in the year 1999-2000. Annexure A-3 to original application is the telegram which reveals that he had been selected for that sponsorship and he had been directed to go from Kiltan to Kavarathy to collect sponsorship. In Annexure A5 representation to original application before the tribunal, he had informed the authorities that due to non-availability of conveyance, he could not go to Kavarathy Island to collect it. So he could not obtain sponsorship certificate. He had in the meanwhile applied for leave in accordance with Central Civil Services (Leave) Rules, 1972. It is necessary to ascertain whether B.Ed course is a academic course or non-academic course to grant study leave. B.Ed is a training course to impart

competence in teaching. It cannot be taken as an academic course . It is a training course.

2. Taking note of this aspect, his case shall be dealt with properly and appropriate order shall be passed at any rate, within three months from the date of this judgment. The writ petition is disposed of accordingly.

ABDUL GAFOOR, JUDGE.

ANTONY DOMINIC, JUDGE.

mma/

OP NO.

JUDGMENT

21st DECEMBER, 2006